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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,388	10/26/1999	KEVIN LLOYD GRIMES	RCA-89.086	3105

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EXAMINER

VU, THONG N

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/427,388

Applicant(s)

GRIMES ET AL.

Examiner

Thong N. Vu

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 1-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

In claim 1, line 4, the terms “a source of a stream of packets” and “a payload” do not refer back to “a source of a stream of packets” and “a payload” respectively in claim 1, line 2; however, it is suggested to change “a source of a stream of packets” and “a payload” in line 2 to --- a first source of a stream of packets --- and --- a first payload ---, respectively; and “a source of a stream of packets” and “a payload” in line 4 to --- a second source of a stream of packets --- and --- a second payload ---, respectively.

Claims 2-12 are objected to because they depend on objected claim.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “the first and second packet stream sources” has no antecedent basis in claim 1, lines 7-9, in claim 2, lines 2-5 and in claim 10, lines 3-6. The same problem exists with “the respective payloads” in claim 1 line 8, in claim 3 line 5, and in claim 6 line 2-3.

In claim 3, lines 3 & 5, “the first packet stream sources” and “the second packet stream sources” respectively have no antecedent basis.

In claim 11, line 3, the term "the received packets" has no antecedent basis.

In claim 9, line 4, the term "the entry" is not clear because it is not known which entry being referred to. The same problem exists with "the payload" in claim 12, line 3.

Claims 4-5 and 7-8 are rejected because they depend on a rejected claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillmann et al. (U.S. Patent No. 6,356,950) in view of Haddock et al. (U.S. Patent No. 5,936,962).

A. Regarding claim 1, Tillmann et al. disclose a method for encoding and decoding data according to a protocol specification comprising:

-A source of a stream of packets, each including a payload, and having a first transport protocol anticipated by an information according to a first stream format (or protocol), as taught in the reference, in column 4, lines 39-41.

-A source of a stream of packets, each including a payload, and having a second transport protocol anticipated by a second one of multiple data signal as taught in the reference, in column 4, lines 44-47.

However, Tillmann et al. fail to show a protocol decoder for extracting the respective payloads from a selected one of the first and second packet stream sources. Haddock et al. from the same field or similar field of endeavor teach a decoder for decoding data packet received a select line from an arbiter, as taught in the reference, in column 10, lines 12-13. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the decoder as taught by Haddock et al. with the method of Tillmann et al. The motivation for using this combination is being that reducing cost for multiple protocol toolboxes.

B. Regarding claim 2, Haddock et al. disclose a selector responsive to a select signal to the protocol decoder corresponds to an arbiter for selecting data signal from data lines, as taught in the reference, in column 10, lines 2-3.

C. Regarding claim 11, Tillmann et al. disclose a payload processor corresponds to a processor to process the input packets based on the protocol specification, as taught in the reference, in column 11, lines 5-6.

D. Regarding claim 12, Tillmann et al. disclose a header containing information related to the payload corresponds to an information element packet in FIG. 5, as taught in the reference, in column 9, lines 12-13. However, Tillmann et al. fail to show a register for storing information. Haddock et al. from the same field or similar field of endeavor teach a shift register in the reference, in column 18, line 34. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to combine the register as taught by Haddock et al. with the method of Tillmann et al. The motivation for using this combination is being that optimizing the resources.

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Allowable Subject Matter

4. Claims 3-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong N. Vu whose telephone number is 703-305-6959. The examiner can normally be reached on Monday - Friday; 8:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9313 for regular communications and 703-872-9313 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

T. Vu
January 24, 2003


